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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,939	03/12/2007	Pal Zoltan	WO2005010788	4462

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7590

06/18/2010

EXAMINER

UBER, NATHAN C

ART UNIT	PAPER NUMBER
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3622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,939	Applicant(s) ZOLTAN, PAL	
	Examiner NATHAN C. UBER	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the national stage entry application filed on 2 February 2006 and completed on 12 March 2007.
2. Claims 5-9 have been withdrawn by Examiner see the claim objections below.
3. Claims 1-4 and 10 are currently pending and have been examined.

Claim Objections

4. Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 4 is directed to a system but is also dependent on claims 1-3. Claim 4 cannot both be a system and properly depend from claims 1-3 which are directed to methods.
5. Claims 5-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot be a basis for further multiple dependent claims. Here claims 5-9 apparently depend from claim 3 which is multiply dependent on claims 1 and 2. Claim 3 cannot form the basis for dependency of subsequent dependent claims, however claims 5-9 are both multiply dependent claims and improperly depend from claim 3. See MPEP § 608.01(n). Accordingly, claims 5-9 have not been further treated on the merits and are withdrawn from consideration.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1-4 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with indefinite claim language such as the phrase "and/or," undefined limitations such as "SISP," limitations contained within parenthesis, exemplary language such as the use of "i.e." in the claims, remarks to Examiner in the body of the claims, and various limitations lacking antecedent basis such as "the bidders, suppliers, providers, contractors or partners thereof" "the Hyperlink" "the cost-bearers" "the invention" "the process" "the time" and "the types." For the purpose of this Examination Examiner interpreted "and/or" to mean "or," relied on the specification for definitions of abbreviations, ignored bracketed limitations, remarks and exemplary language and treated limitations lacking antecedent basis as generic limitations rather than specific limitations.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to a particular machine or apparatus (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). See generally *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 1-3 fail to meet the above requirements because the claims are not tied to a particular machine or apparatus and because the claims do not transform underlying subject

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matter. Examiner notes that the claims discuss structural components and the internet. However the claimed method is not tied to these components, rather the claimed method is limited to a business plan for shifting access costs from consumers to advertisers. The positively recited method steps of the claims, which are the core of the invention, are not tied to a particular machine or apparatus.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Rissanen et al. (U.S. 6,839,684 B1).

Claim 1:

Rissanen, as shown, discloses the following limitations:

- *the network access costs of visitors through accounts, which are dependent on host and/or IP address, and/or network and/or domain and/or URL and/or server and/or website to the trader and/or service provider are registered into protocol* (see at least figure 3, a user internet access log is assessed, if the accessed IP does not match database of sponsored IP addresses, the user is billed traditional access charges for the IP addresses accessed),

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- *[the network access costs are] accounted in a way financed by the bidders, suppliers, providers, contractors or partners thereof (see at least figure 3, if the IP accessed by the user is sponsored, the host-sponsor is billed the access costs of the user's access to the IP).*

Claim 2:

Rissanen, as shown, discloses the following limitation:

- *a premium is credited to the visitor, who visits any domain, for purchases and/or orders of any ware and/or service offered by any domain to his or her user's account especially through products, which may be delivered electronically, like multimedia data, especially audio or video files, ring music for mobile phones (see at least column 3-4, lines 61-67 and 1-2, credits vary based on whether or not a user purchases a product or service at an IP site, user may ear bonus points/credits depending on a purchase from a particular site or portion of site).*

Claim 3:

Rissanen, as shown, discloses the following limitation:

- *a change of the cost-bearers takes place under influence of a click to a HyperLogLink according to the invention, i.e. a logoff is performed from a first user-dependent and/or domain dependent access account and a logon and/or a switch over is performed to a second user-dependent and/or domain dependent access account wherein program modules, subprograms (applets, logon scripts) linked by the Hyperlink are started, which execute a logoff from the first account and a logon to the second account or the logs are switched over (see at least figure 3, responsibility for the connection charges varies between parties depending on which site the user visits, the respective hosts covers charges for the respective hosts' sites and the user covers charges for non-sponsored sites).*

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Claim 4:

Rissanen, as shown, discloses the following limitation:

- *the process is implemented by means of wired or wireless network components, servers and computer programs (see at least figures 1 and 1, GRPS network connected to the internet using wireless mobile devices as user devices).*

Claims 5-9:

Withdrawn

- 12.** Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Sundsted (U.S. 5,999,967).

Claim 10:

Sundsted, as shown, discloses the following limitations:

- *electronic letters and/or news provided with one or more value marks are sent from a first sending server and received by a second receiving server (see at least column 5, lines 32-39, email is sent with an electronic postage stamp attached),*
- *the value marks are controlled for adequate franking and stored they are converted by means of an adequate computer program and a SISP or handling computer participating in the process with limitation to the time or otherwise or without limitation into cash or any other means of payment (see at least column 7, lines 6-8, the electronic stamp includes a value field that indicates the financial value of the stamp that will be paid by the sender to the receiver),*
- *the receiving servers are configured by means of adequate computer programs in such a way that only the letters and news are received, which have the types in accordance with the user's profile set in the receiving server or those, which are franked according to a previously set lowest value (see at least column 8, lines 31-36, the analysis module reads the value of*

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the electronic stamp to determine if the value is equal to or higher than the preferred lowest value set in the recipient's preferences),

- *the e-mail letters, news or other mailed items, which are either without franking or the value of franking is too low are returned to the sending server, with or without remark of the unsuccessful sending because of the unsatisfactory franking (see at least column 5, lines 37-39, the receiver decides whether or not to accept the email based on the value of the electronic stamp, if it is too low, the email is rejected by the receiver).*

Conclusion

13. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.
14. A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.

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15. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 8:30am-4:00pm EST. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Eric Stamber** can be reached at **571.272.6724**.
16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
17. Any response to this action should be mailed to:

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or faxed to **571-273-8300**.

18. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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401 Dulany Street

Alexandria, VA 22314.

/Nathan C Uber/ Examiner, Art Unit 3622
16 June 2010

/Arthur Duran/
Primary Examiner, Art Unit 3622